REMARKS

STATUS OF THE CLAIMS

Claims 1, 2, and 4-10 are pending in the application.

Claims 1, 2 and 4-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Barritz et al. (U.S. 6,029,145).

According to the foregoing, the claims are amended, and, thus, the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

According to claim 1, a charge is imposed only when a key function is performed. Barritz does not teach expressly or inherently about this feature. The Office Action alleges that Barritz teaches "setting a particular function ... as a key function" (col. 9, lines 9 to 29; col. 10, lines 6 to 17; FIG. 7, element 571).

However, Barritz teaches in "BRIEF DESCRIPTION OF THE DRAWINGS" that FIG. 7 is a flowchart for the "monitoring program." In FIG. 7, "What function?" in step 571 refers to determining what function out of "Authorization," "Billing/Collection disbursement," and "Compliance enforcement" of the "monitoring program" is to be performed. Therefore, Barritz element 571 does not expressly or inherently (necessarily) disclose a "function" of "application program installed on the client." In other words, Barritz monitoring program determining which monitoring function to perform from authorization, billing or compliance enforcement functions, differs from "setting a particular function of the application program installed on the client as a set key function; detecting performance of the set key function ..."

Further, "a particular product" appearing in col. 9 is one of "licensed software products" as discussed in col. 3, lines 14 to 29, and therefore is different from "a particular function of the application program."

The Office Action alleges that Barritz teaches "a user for using the key function of the application program" in col. 7, lines 1 to 10. However, the language of the claims provides "***registering*** a user for using the set key function of the application program," and the cited Barritz portion describes "instructions as input from a variety of sources including interactive user," which does not relate to any type of user registration for using a set key function of an application program.

Further in contrast to Barritz, the embodiments provide "imposing charges on the registered user only when the set key function of the application program is performed and according to a frequency of detecting performance of the set key function of the application program and the type of the application program."

A prima facie case of anticipation based upon Barritz cannot be established, because there is no evidence expressly or inherently that Barritz's monitoring program provides the claimed **registers** a user for using a set key function of the application program, and **imposes a charge on the registered user only when the set key function of the application program is performed and according to a frequency of detecting performance of the set key function of the application program and the type of the application program**." For example, the present application page 12, line 10 to page 14, line 9 and FIG. 10 support the claimed embodiments.

DEPENDENT CLAIMS 4 & 5:

The Office Action relies upon Barritz column 2, lines 28-36 for allegedly disclosing a registered user to reject dependent claim 4. However, Barritz column 2, lines 28-36 merely discusses a software product limiting usage to a registered user, which differs from the claimed registering a user for using a set key function of an application program. Barritz column 2 registered user of a software product cannot anticipate dependent claim 4 by failing to expressly or inherently disclose the claimed "wherein the registering the user for the application program is performed upon detecting the performance of the key function by the user for a first time," because Barritz is silent on any "key function" and is silent on performing any type of **user registration "upon detecting the performance of the key function by the user ... for a first time**."

The Office Action relies upon Barritz FIG. 7 collection of usage data for each account (582) to reject dependent claim 5. However, Barritz is silent on providing a "imposed charges key function." Barritz cannot anticipate dependent claim 5 by failing to expressly or inherently disclose the claimed "wherein the setting the particular function of the application program comprises setting an imposed charges key function, the method further comprising informing the registered user of amount of charges imposed at a time of detecting performance of the imposed charges key function by the registered user," because Barritz is expressly or inherently silent on setting any "**key function**," Barritz is also expressly or inherently silent on "**setting an imposed charges key function**," and Barritz is also expressly or inherently silent on "**informing**

6

the registered user of amount of charges imposed at a time of detecting performance of the imposed charges key function by the registered user."

In view of the foregoing, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

Date: November 6, 2007
By: / Mehdi D. Sheikerz /
Mehdi D. Sheikerz
Registration No. 41,307

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501